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| SERIAL NUMBER 08/040, 986 | FILING DATE 03/31/93 | FIRST NAMED INVENTOR GOTO | ATTORNEY DOCKET NO. M 8340660CIPIP |
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ROSENBERG EXAMINER

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ARLINGTON, VA 22202

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| ART UNIT 1101 | PAPER NUMBER |
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DATE MAILED: 10/19/93

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on _____ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- Notice of References Cited by Examiner, PTO-892.
- Notice re Patent Drawing, PTO-948.
- Notice of Art Cited by Applicant, PTO-1449.
- Notice of Informal Patent Application, Form PTO-152.
- Information on How to Effect Drawing Changes, PTO-1474.
- _____

Part II SUMMARY OF ACTION

1. Claims 1 - 4 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. Claims _____ have been cancelled.

3. Claims _____ are allowed.

4. Claims 1 - 4 are rejected.

5. Claims _____ are objected to.

6. Claims _____ are subject to restriction or election requirement.

7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. Formal drawings are required in response to this Office action.

9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable. not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been approved by the examiner. disapproved by the examiner (see explanation).

11. The proposed drawing correction, filed on _____, has been approved. disapproved (see explanation).

12. Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____.

13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1835 C.D. 11; 453 O.G. 213.

14. Other

EXAMINER'S ACTION

Art Unit 1101

Claims 1-4 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims are vague and indefinite in that they do not point out whether the launder serves any function other than physically to transport molten copper from the blister copper producing means to an anode furnace, i.e., whether any chemical reaction occurs in the launder means.

Worner '672 and Worner '449 have been cited to show the use of launder-type furnaces to treat copper.

Arentzen has been cited to show that it is conventional to subject copper to electrolytic refining after smelting.

Inasmuch as Ser. No. 040,999 recites no more than the apparatus necessary to cover out the method claimed in the instant application, a terminal disclaimer which disclaims the term of any patent issuing on the instant application beyond the expiration of any patent issuing on Ser. No. 040,999 is required.

Peter D. Rosenberg
PETER D. ROSENBERG
PRIMARY EXAMINER
GROUP 1100

P. Rosenburg/rw
October 13, 1993